

| | | |
|-------------------------------|--|---|
| Notice of Allowability | Application No. 10/635,514 Examiner Marianne L. Padgett | Applicant(s) KANEKO ET AL. Art Unit 1762 |
|-------------------------------|--|---|

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to terminal disclaimer, remarks & amendment of 6/22/04.

2. The allowed claim(s) is/are 1-9.

3. The drawings filed on _____ are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)) and a copy of WO02/065212 A1, the published document of priority document PCT/JP02/00794 was placed in the file by the examiner, with the previous action.

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____. | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Art Unit: 1762

1. The following is an examiner's statement of reasons for allowance: The prior art reference to Fedynshyn (6,468,712 B1) is noted to be directed to compositions used in resists treated with lasers having wavelengths as claimed, where the composition has an acid generator and the “-OP” or “protected hydroxyl” groups discussed on col. 3 and 8, appear to be equivalent to the claimed “blocked acid groups, however while this examiner is not an organic chemist, let alone a polymer chemist, there do not appear to be any suggestions to employ the claimed fluorinated dienes as Fedynshyn's aliphatic polymer. Electron withdrawing groups are suggested to be halogen (col.3) or F, to increase the acidity of the hydroxyl proton (col.9), but the structures they are attached to appear to be saturated linear groups (col.9) or halogenated benzene (col.8), which do not suggest fluorinated dienes to this examiner.

Applicants' request to examine claims 6-9 on p.7 of their 6/22/04 response is mute, since they were already under examination.

With respect to co-pending application 10/637,504, it is noted that the claims are directed to a compound inclusive of ones that may be used in the present compositions, and a process for making that compound that is employed when making such a component of the presently claimed composition. However as this fluoropolymer compound & the process of making it were not claimed separately in the present case, and could be considered different statutory classes, i.e. the composition may be a product made from the compound, and restrictable if in the same case, because the compound could be used in different compositions not requiring limitations discussed by applicant on page 7 of their remarks, the obviousness double patenting rejection is withdrawn.

Applicants' discussion on p.6 of their remarks, citing p.6, lines 23-24 of the specification, sufficiently clarifies the intent of “single bond” as an R group in claim2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 1762

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck, can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLP

7/28/04



MARIANNE PADGETT
PRIMARY EXAMINER